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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,513	12/14/2001	Maynard Grimm	MGJW-B01-Prv	8238
7590	06/14/2005		EXAMINER	
J. Carl Cooper Pixel Instruments Corp. 110 Knowles Drive Los Gatos, CA 95032-1828			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/017,513	GRIMM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura A. Grier	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 February 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamamatsu, U. S. Patent No. 6795560.

Regarding claim 1, Hamamatsu discloses a digital mixer and digital mixing method. Hamamatsu disclosure (figures 1 and 3) comprises input of a plurality of audio signals (col. 8, lines 14-30), which reads on a plurality of audio signal inputs; an input patch section ((44) – col. 8, lines 31-33), which reads on a selector; a plurality of bus units ((46-49) - col. 8, lines 33-67 and col. 9, lines 1-18), which reads on a signal processing section; a plurality of audio outputs coupled thereto ((54-56) – col. 9, lines 37-43 and col. 7, lines 44-54), wherein the digital signal may be output to analog output units to be converted in analogs signals which are output to speakers (11), which reads on the a plurality of outputs and being a distinct known form; and a display ((26) – col. 7, lines 55-58), which indicative of visual monitoring and a monitoring speaker is indicative

of audible monitoring of processed signals ((references 58-60 ) and col. 10, lines 21-35).

Regarding claim 4, Hamamatsu discloses a digital mixer and digital mixing method. Hamamatsu disclosure (figures 1 -3) comprises input of a plurality of audio signals (col. 8, lines 14-30), which reads on a plurality of audio signal inputs; an input patch section ((44) – col. 8, lines 31-33), which reads on a selector; a plurality of bus units ((46-49) - col. 8, lines 33-67 and col. 9, lines 1-18), which reads on a signal processing section; a plurality of audio outputs coupled thereto ((54-56) – col. 9, lines 37-43 and col. 7, lines 44-54), wherein the digital signal may be output to analog output units to be converted to analogs signals which are output to speakers (11), and further the digital signal is supplied to digital recording means, representative of a digital output, which reads on outputting the processed signal in a plurality distinct known forms; and a ((26) – col. 7, lines 55-58), which indicative of visual monitoring and a monitoring speaker is indicative of audible monitoring of processed signals ((references 58-60 ) and col. 10, lines 21-35).

Regarding claim 7, Hamamatsu discloses a digital mixer and digital mixing method. Hamamatsu disclosure (figures 1 -3) comprises input of a plurality of audio signals (col. 8, lines 14-30), which reads on a plurality of audio signal inputs; an input patch section ((44) – col. 8, lines 31-33), which reads on a selector; a plurality of bus units ((46-49) - col. 8, lines 33-67 and col. 9, lines 1-18), which reads on a signal processing section; a plurality of audio outputs coupled thereto ((54-56) – col. 9, lines

37-43 and col. 7, lines 44-54), wherein the digital signal may be output to analog output units to be converted to analogs signals which are output to speakers (11), and further the digital signal is supplied to digital recording means, representative of a digital output, which reads on outputting the processed signal in a plurality distinct known forms; and a ((26) – col. 7, lines 55-58), which indicative of visual monitoring and a monitoring speaker is indicative of audible monitoring of processed signals ((references 58-60 ) and col. 10, lines 21-35).

Regarding claim 8, Hamamatsu discloses a digital mixer and digital mixing method. Hamamatsu disclosure (figures 1 -3) comprises input of a plurality of audio signals (col. 8, lines 14-30), which reads on a plurality of audio signal inputs; an input patch section ((44) – col. 8, lines 31-33), which reads on a selector; a plurality of bus units ((46-49) - col. 8, lines 33-67 and col. 9, lines 1-1), which reads on a signal processing section; a plurality of audio outputs coupled thereto ((54-56) – col. 9, lines 37-43 and col. 7, lines 44-54), wherein the digital signal may be output to analog output units to be converted to analogs signals which are output to speakers (11), and further the digital signal is supplied to digital recording means, representative of a digital output, which reads on outputting the processed signal in a plurality distinct known forms; and a ((26) – col. 7, lines 55-58), which indicative of visual monitoring and a monitoring speaker is indicative of audible monitoring of processed signals (( references 58-60 ) and col. 10, lines 21-35).

Regarding claims 2, 5, and 9 Hamamatsu discloses everything claimed as applied above (see claim 1, 4, and 7, respectively). Hamamatsu disclosure provides

support for parameters to be altered or set by a user of the mixer via panel operator unit (25) and the control panel (col. 7, lines 58-67 and col. 8, lines 1-9), which indicates parameters established by an operator, and as well, Hamamatsu inherently discloses parameters established in manufacture as evident by the fact that software is used by the CPU for providing mixing control programs and surround control programs (col. 7, lines 29-43).

Regarding claims 3, 6, and 10, Hamamatsu discloses everything claimed as applied above (see claim 1, 4, and 7, respectively). Hamamatsu discloses a plurality of mixing bus units (46-49), which reads on mixing element – (col. 8-, lines 33-67 and col. 9, lines 18).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamatsu.

Regarding claim 11, Hamamatsu discloses everything claimed as applied above (see claim 7). Hamamatsu discloses analog output of processed signal via analog circuits and speakers, and digital output via the recording means and as well via the display (26), which indicates an analog form, and at least two digital forms. However,

Hamamatsu fails to disclose to different clock rates. In regard the different digital outputs (recording means and display), in which both can operate under respective sample rates. Thus, making is obvious to implement different clock rates for adequate processing of the respective signals.

Regarding claim 12, Hamamatsu discloses everything claimed as applied above (see claim 7). Hamamatsu discloses analog output of processed signal via analog circuits and speakers, and digital output via the recording means and as well via the display (26), which indicates an analog form, and at least two digital forms. However, Hamamatsu fails to disclose to different industry standards. Various standards exist for processing both image signals and recording audio signals. Thus, taking in regard the different digital outputs (recording means and display), it would have obvious to implement different industry standards for efficient and adequate processing for image outputs and recording.

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

The applicant provided remarks regarding the specification objection on page 6, indicating that objection moot in respect to the amendment to specification. The amendment of specification is acceptable. The applicant provides comments of the amended changes to overcome a claim objection and a 112 2<sup>nd</sup> rejection. In respect to the art rejection, the applicant essentially argued that prior art of record fails to disclose the claimed invention in respect to the output signal being the same signal as the

selected processed signal, providing a plurality of output signals in distinct form(s), monitoring the signal as claimed, the parameters being established in manufacture and/or by an operator and the mixing concept. The prior art rejection of Asakura has been removed. However, the claim language of the claims is examined in regards to its broadest interpretation, specifically for claim 1 and 4. The claim language, distinct form(s,) does provide specific limitations as to what is to be considered as a distinct form of an output signal. A left output signal and a right output signal of analog signal can be represent outputs of distinct form. Thus, a new reference of prior art has been provided that provides the teachings of the claimed invention. The new reference of prior art discloses a digital mixer for a plurality of audio inputs; selection of inputs to processed by a mixing bus units to provide for at least one or more channels of output; a plurality of output means for the processed signal(s); wherein in regards to the digital processed signal it may be output via D/A conversion into an analog signal; output to a digital recording means; and as well to a display for visual monitoring the audio signal(s) while being processed, wherein each provides support for distinct known forms ;and audible monitoring via monitoring speakers. As well, there is support for manufacture (via software programs for controlling the mixing process) and/or an operator (operator panel and control panels) providing operating parameters for the processing the signal(s).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N. Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A. Grier  
June 10, 2005